

**ARGUMENTS/REMARKS**

Favorable reconsideration of this application is respectfully requested. Claims 1-21 are currently pending.

In the outstanding Office Action Claim 21 was rejected as being anticipated by Kumar (U.S. Patent No. 6,269,080); Claims 1-4, 6-9, 11-14, 18-20 were rejected as being unpatentable over Kumar in view of Fukushima et al. (EP 1006689, hereinafter Fukushima); Claims 5, 10 and 15 were rejected as being unpatentable over Kumar in view of Fukushima and in further view of Marturano et al. (U.S. Patent No. 5,636,230, hereinafter Marturano); Claims 16-17 were rejected as being unpatentable over Kumar in view of Chiu et al. (U.S. Patent No. 6,505,253, hereinafter Chiu) in view of Fukushima; and Applicants' arguments with regard to Claims 1-21 were considered moot in view of the new grounds of rejection.

In reply, and as a preliminary matter, Applicants traverse the rationale for making the present rejection "final". The Office Action's rationale for making the present rejection "final" is that "Applicants' amendment necessitated the new grounds(s) of rejection. Applicants traverse this assertion. As explained in the October 26, 2004 amendment, the original rejections based on Kumar were believed to be improper. The claims were amended to merely clarify what was already being claimed. Accordingly, Applicants respectfully request the withdrawal of the finality of the present rejection.

Claim 21 stands rejected as being anticipated by Kumar. Applicants respectfully traverse the rejection. Claim 21 defines a retransmission request part configured to make a retransmission request with respect to a wireless base station when predetermined information, which requires retransmission, is generated. The wireless terminal also includes a control part configured to discontinue transmission of the retransmission request when notified of retransmission information having been made from another wireless terminal at a timing before the retransmission request part makes the retransmission request.

In contrast, Kumar merely describes a multicast file distribution system that selects an active receiver (column 6, lines 53-54). The active receiver generates negative and positive acknowledgements to request retransmission of data packets lost in the first data transmission (column 6, lines 65-67). “Only one client is designated as the active receiver at any given time... that is allowed to request retransmission of lost data packets from the FDSP server.” (column 7, lines 1-4) Claim 21 distinguishes this feature, because it is the control part of the wireless terminal that is configured to discontinue transmission when notified of retransmission information having been made from another wireless terminal. The system in Kumar specifically precludes such a system, because the FDSP server selects one of the clients as the active receiver. Accordingly, it is believed that the outstanding Office Action perhaps has confused the FDSP server as corresponding with the “control part” aspect of Claim 21.

Furthermore, Kumar does not teach a wireless terminal that includes a control part configured to discontinue transmission of the retransmission request for the predetermined information when notified of the retransmission information which indicates that a retransmission request for the predetermined information has been made from another wireless terminal within the arbitrary service area at a timing before the retransmission request is made. In Kumar, the FDSP server simply retransmits the missing data segments to the FDSP clients if the active FDSP client (i.e., active receiver) requests retransmission of the missing data segments. The FDSP server then stops the retransmission when there is no FDSP client with missing data segments. Moreover, the active FDSP client (or active receiver) in Kumar does not have a control part as claimed. Therefore, it is respectfully submitted that Claim 21 patentably defines over Kumar.

Claims 1-4, 6-9, 11-14 and 18-16 stand rejected as being unpatentable over Kumar in view of Fukushima.

With regard to Claims 1, 6, 11 and 18 (each being an independent claim), Applicants agree with the Office Action that Kumar fails to teach retransmitting the information requested by the retransmission request from the information distribution apparatus or the wireless base station at a predetermined timing. Furthermore, Kumar fails to teach the retransmission information (as discussed above) that is transmitted from a wireless terminal.

Fukushima does not cure this deficiency. Fukushima is merely cited as teaching a retransmission of the requested information at a predetermined timing. As recognized in the outstanding Office Action, Fukushima teaches the transmission of the packet requested by the retransmission request from the server. However, Fukushima does not cure the deficiency with regard to Kumar in view of the independent Claims 1, 6, 11 and 18, because it fails to teach or suggest the retransmission of the information requested by the retransmission information from the wireless terminal.

Accordingly, it is respectfully submitted that Claims 1-4, 6-9, 11-14 and 18-20 patentably define over Kumar in view of Fukushima.

Claims 5, 10 and 15 stand rejected as being unpatentable over Kumar in view of Fukushima and in further view of Marturano. Applicants agree that Kumar and Fukushima fail to teach controlling an upper limit value of a number of retransmissions. However, Applicants also note that Claims 5, 10 and 15 are dependent claims that respectfully depend from base Claims 1, 6 and 11, which were distinguished from Kumar and Fukushima as discussed above. Marturano does not cure this deficiency, as it is cited for describing control of an upper limit value of the number of retransmissions and does not teach or suggest the “retransmission information discussed above that is transmitted from a wireless terminal.” Accordingly, it is respectfully submitted that Claims 5, 10 and 15 patentably define over Kumar, Fukushima and Marturano.

Claims 16 and 17 are rejected as being unpatentable over Kumar in view of Chiu and Fukushima. As acknowledged in the outstanding Office Action, Kumar fails to teach a wireless terminal having a retransmission control part that makes no retransmission request for the information if the retransmission information, which indicates that a retransmission request for the information has already been received by the information distribution apparatus, is received from the information distribution apparatus before the timing determined by a timing determination part, so as to receive the information retransmitted from the information distribution apparatus at a predetermined timing. Kumar fails to teach that the retransmission information includes timing information indicating the predetermined timing at which the information will be transmitted. Furthermore, Kumar fails to teach a wireless terminal having the timing determination part that is configured to determine a timing for transmitting the retransmission request for the information which requires retransmission.

Likewise, Kumar also fails to teach the “retransmission information” described above that is transmitted from a wireless terminal.

Chiu does not cure the deficiency with regard to Kumar, and is cited as teaching a feature that indicates that a retransmission request for the information has already been received by the information distribution apparatus. The section of Chiu cited in the outstanding Office Action (column 38, lines 38-43 and Figure 1) explains that, at the transmitting end, the sequence number and the reproduction time of the predetermined packet are embedded in a packet to be transmitted next to the predetermined packet. At column 38, lines 43-47, Chiu explains that the sequence number and the reproduction time of the predetermined packet are embedded in the packet to be transmitted next to the predetermined packet so that the receiving end can make a retransmission request for the error packet when errors occur not only in the data of the packet but also in the sequence number and the

reproduction time. Accordingly, embedding the sequence number in the reproduction time in the packet is not the same as the retransmission information as claimed. In other words, Chiu does not teach the "retransmission information" as claimed.

Fukushima is merely cited as describing the retransmitting of the requested information at predetermined timing, but does not otherwise cure the deficiencies with regard to Kumar and Chiu. Accordingly, it is respectfully submitted that Claims 16 and 17 patentably define over Kumar, Chiu and Fukushima.

Consequently, in view of the above remarks, it is respectfully requested that the finality of the rejection be withdrawn, and that the invention defined by Claims 1-21 patentably define over the asserted prior art. An action reflecting this conclusion is earnestly solicited.

Respectfully submitted,

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